

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CYNTHIA JONES

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Reginald Allen, Esquire, 7601 Crittenden Street, F-12,
Philadelphia, PA 19118, (215) 242-3875

DEFENDANTS

MAGELLAN HEALTH, INC.

County of Residence of First Listed Defendant MARICOPA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

TITLE VII AND ADEA

Brief description of cause:

EMPLOYMENT DISCRIMINATION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$151,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

NOVEMBER 15 2021

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFF

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 137 N. 4TH STREET, PHILA, PA 19108
 Address of Defendant: 4800 N. SCOTTSDALE RD., STE. 400, SCOTTSDALE, AZ 85251
 Place of Accident, Incident or Transaction: PHILADELPHIA, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/15/2021 Reginald Allen 77083
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ☒ in one category only)**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☒ 11. All other Federal Question Cases
 (Please specify): Employment Discrimination

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability - Asbestos
☐ 9. All other Diversity Cases
 (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Reginald Allen, Esquire, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 11/15/2021 Reginald Allen 77083
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

CYNTHIA JONES
137 N. 4TH STREET
PHILADELPHIA, PA 19108
PLAINTIFF,

VS.

MAGELLAN HEALTH, INC.
4800 N. SCOTTSDALE ROAD
SUITE 400
SCOTTSDALE, AZ 85251
DEFENDANT.

: CIVIL ACTION NO. 21-
:
: JURY TRIAL DEMANDED
:
:
:
:
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:
:

COMPLAINT

1. This matter is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (Title VII), the Age Discrimination in Employment Act (ADEA) and the Pennsylvania Human Relations Act. Jurisdiction is based on 28 U.S.C. S 1331 and 1343. Jurisdiction is also based diversity of citizenship pursuant to 28 U.S. C. S 1332 and the amount in question exceeds \$75,000.00 (seventy five thousand dollars and zero cents) exclusive of interests and costs. Jurisdiction for the state law claim is invoked pursuant to 28 U.S.C. S 1367(a) to hear and adjudicate state law claims.

PARTIES

2. Plaintiff Cynthia Jones (from hereinafter, "plaintiff") is a resident of the Commonwealth of Pennsylvania, who at all times relevant to this action, was present in the Commonwealth of Pennsylvania and she resides at the address indicated in the caption above.
3. Defendant Magellan Health Incorporated (Inc.) ("defendant") is a corporation that has its headquarters in the state of Arizona, at the address indicated in the caption above; at all times relevant to this action, defendant maintained offices in Philadelphia, PA and it did substantial business in the Commonwealth of Pennsylvania.

ADMINISTRATIVE AGENCY REQUIREMENTS

4. Plaintiff filed charges of discrimination with the United States Equal Employment Opportunity Commission (EEOC) at Charge Nos. 530-2020-05368; plaintiff received a right to sue letter from the EEOC on/around August 19, 2020.

FACTUAL ALLEGATIONS

5. Plaintiff was born on July 29, 1959 and is currently 62 years old; She is African American and female.

6. Plaintiff became employed by defendant in on/around October 30, 2016 as a licensed care coordinator.
7. At all times relevant to this complaint and at all times relevant to her employment with defendant, which ended on November 4, 2019, plaintiff was well qualified for her position and performed them in a satisfactory manner.
8. In/around 2019 plaintiff, whose duties included interviewing clients with mental health issues and documenting those interviews, proposed a procedure to her supervisor, Debra Sheppard, a Caucasian female, who approved the procedure.
9. The procedure allowed to “cutting and pasting” part of a template used to document sessions/interviews with clients that would remain consistent.
10. Somehow, plaintiff accidentally failed to document a template after an interview, which the defendant stated it observed during an office audit.
11. Defendant suspended and then fired plaintiff on November 4, 2019; however it took no disciplinary action against Ms. Sheppard (who is

(was) also under the age of 40).

12. Prior to plaintiff's termination from employment, her team lead, a Caucasian female, Ms. Jody Sanford had frequently stated that there were multiple individuals in plaintiff's department who were not pulling their weight – however no corrective action was taken regarding those individuals; conversely before her error, plaintiff had worked excellently at all times.
13. Defendants' managerial employees admitted during the audit that other personnel had made errors documenting interviews with clients, however those individuals were not fired, as plaintiff was.
14. Defendant characterized plaintiffs' error as falsification of documents, indicating that it determined that plaintiff had committed the error intentionally; defendant unsuccessfully fought plaintiff's application for unemployment compensation on that basis.
15. Ms. Sanford allegedly conducted the audit that resulted in plaintiff's termination from employment.
16. In an attempt to remain employed, plaintiff requested from several of defendants management personnel that they place her on a

performance improvement plan (PIP), including to Ms. Sheppard, Ms. Sanford, Ms. Kaila Mailhan, a Caucasian female manager, and Ms. Janet Edwards, a Caucasian (the Director), indicating that she had merely made a mistake that she had not committed fraud.

17. Despite plaintiff's plea, Ms. Mailhan insisted that she be fired and that she had committed fraud – intentional acts.

18. Ms. Sheppard admitted at plaintiff's unemployment compensation hearing that other of defendant's employees had been found to have made errors, during the audit and Ms. Sheppard admitted that plaintiff's error was unintentional.

19. One of the employees who committed error, was Steven Bussey, a male employee, whom had a meeting with management, but was not fired.

20. Upon reasonable information and belief, other employees who were found to have made documentation errors during the audit, were Caucasian, male, and under the age of forty, or significantly younger than the plaintiff.

Plaintiff perceived that her disciplinary process and interaction with defendant's management indicated some form of discriminatory bias, since it was extremely hostile, although plaintiff had an excellent record and a good attitude (this includes bias based on her race and/or her age).

21. Plaintiff is aware that persons in her protected classes have been fired or left their employment with the defendant under specious circumstances, including an African American (Black) manager named Kimberly Webb, who was replaced with Debra Sheppard, who had previously worked with Director Janet Edwards (a Caucasian female).
22. After her termination, plaintiff saw her job posted for \$20,000.00 less than what he had earned per year, and believes that this was to hire someone under the age of forty, or considerably younger than she, who might work for much less than she was earning – upon information and belief, plaintiff was replaced by someone under the age of forty or considerably younger than she.
23. Defendant has a history of laying off employees over the age of forty, including in 2017, when the entire management team that started the

Intensive Case Management Program was terminated when the company was consolidating including, Eileen O'Reagan, Kay Cox and another woman believed to be over forty.

24. Each of the women referred to in paragraph 24 above had over 20 years of employment with the defendant.
25. Other older employees have resigned due to harassment and being give unrealistic work expectations. These included an Indian American manager, named Nishma Daya.
26. Another Black manager named Rosalind Brunson resigned due to harassment from management; another older female employee resigned due to alleged harassment.
27. Upon information and belief, defendant has/had a progressive disciplinary policy which it could have utilized for the plaintiff, and which it uses for individuals who are not members in her protected classes, but which it refused to use for her based on discrimination based on either her age, sex or race (or a combination of some of all of them).
28. Upon information and belief, employees who have committed

intentional misconduct or errors worse than plaintiff, have not been fired by the defendant, despite its knowledge of that conduct and those errors.

29. As a result of defendant's conduct described above, plaintiff suffered severe economic harm, including the loss of her career.

30. As a result of defendant's plaintiff suffered severe emotional distress, including based on loss of her personal reputation for honesty, and other severe emotional distress.

COUNT ONE – VIOLATION OF TITLE VII BASED ON SEX AND/OR RACE

31. Plaintiff incorporates paragraphs 1-32 above as though fully set forth herein.

32. Plaintiff is African American and female, and she was qualified for her position, when she was unjustly fired.

33. Defendant fired plaintiff for alleged conduct which it knew she did not commit; it fired her for something that it has not fired employees who have committed the same, similar or worse things than plaintiff, who are male and who are not African American, which it did intentionally.

34. Defendant intentionally discriminated against plaintiff based on her race and sex.

WHEREFORE, plaintiff requests judgment in her favor against defendant, and she requests the following relief:

- a. Back pay;
- b. Front pay;
- c. Compensatory damages;
- d. Punitive damages;
- e. Reasonable Attorney's Fees and Costs;
- f. Any other relief the Court deems appropriate.

COUNT TWO – AGE DISCRIMINATION IN VIOLATION OF THE ADEA

35. Plaintiff incorporates paragraphs 1-35 above as though fully set forth herein.

36. Plaintiff was over the age of forty at all times relevant to this complaint.

37. Plaintiff was intentionally fired based on her age; conversely, employees under the age of forty, or considerably younger than plaintiff were not fired for conduct and/or work performance issues

that were more serious and/or worse than the unintentional error that plaintiff made for which she was fired for; these include Ms. Sheppard who endorsed the procedure that plaintiff used that lead to the error.

WHEREFORE, plaintiff requests judgment in her favor and she requests the following relief:

- a. Back pay;
- b. Front pay;
- c. Liquidated damages;
- d. Reasonable Attorney's Fees and Costs;
- e. Any other relief the Court deems appropriate.

COUNT THREE – VIOLATION OF THE PHRA BASED ON RACE, SEX AND
AGE DISCRIMINATION

38. Plaintiff incorporates paragraphs 1-38 above as though fully set forth herein.

39. Defendants acts described above constitute violations of the PHRA for either or all, sex, race or age discrimination.

WHEREFORE, plaintiff requests judgment in her favor against defendant, and she requests the following relief:

- a. Back pay;
- b. Front pay;
- c. Compensatory damages;
- d. Any other relief the Court deems appropriate.

Respectfully submitted,

/s/ Reginald Allen, Esquire